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8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
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11 SHAUN DARNELL GARLAND,

12 Plaintiff,

13 v.

14 KATHLEEN ALLISON, et al.,

15 Defendants.
16

No. 2:21-CV-0796-DAD-DMC-P

ORDER

17 Plaintiff, a prisoner proceeding pro se, brings this civil rights action pursuant to
18 42 U.S.C. § 1983. Pending before the Court is Defendants' motion to strike. See ECF No. 111.
19 Plaintiff has filed an opposition. See ECF No. 112.

20 Defendants filed a motion for summary judgment on March 14, 2025. See ECF
21 No. 101. Plaintiff filed an opposition to Defendants' motion on April 3, 2025. See ECF No. 105.
22 On April 16, 2025, Defendants filed their reply brief. See ECF No. 107. On May 8, 2025,
23 Plaintiff filed a sur-reply brief without leave of court. See ECF No. 110. In the pending motion,
24 Defendants seek an order striking Plaintiff's sur-reply brief. See ECF No. 111. As Defendants
25 note, this Court's local rules do not allow for a sur-reply brief absent leave of court except where
26 the sur-reply constitutes an objection to evidence first submitted with the reply brief, or if the sur-
27 reply brief brings to the Court's attention supplemental authority issued after the date the reply
28 brief is filed. See E. Dist. Cal. Local Rule 230(m). Here, Plaintiff's sur-reply brief was filed

1 without prior leave of court. Further, because no new evidence was presented with Defendants'
2 reply brief, and because the sur-reply does not cite any authority issued after the reply brief was
3 filed, neither of the exceptions to Local Rule 230(m) are applicable.

4 Accordingly, IT IS HEREBY ORDERED as follows:

- 5 1. Defendants' motion to strike, ECF No. 111, is granted.
- 6 2. Plaintiff's sur-reply brief, ECF No. 110, filed without prior leave of court,
7 is stricken.

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9 Dated: June 13, 2025



10 DENNIS M. COTA
11 UNITED STATES MAGISTRATE JUDGE
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